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MERCK AND CO., INC
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In re Application of
KARKI et al.
Application No.: 10/544,213
PCT No.: PCT/US04/008828
Int. Filing Date: 23 March 2004
Priority Date: 27 March 2003
Attorney Docket No.: 21346-P
For: FORMULATIONS FOR TYROSINE KINASE
INHIBITORS

DECISION

This is a decision on applicants' "Letter" requesting withdrawing of the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on 08 December 2005, in response to the 18 November 2005 Notification of Abandonment. No petition fee is required.

On 02 August 2005, applicants filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee.

On 18 November 2005, a Notification of Abandonment was erroneously mailed to applicants indicating that the basic national fee had not been provided by the thirty month deadline.

On 08 December 2005, applicants filed the instant request to withdraw the holding of abandonment along with copies of the Express Mail label and USPTO date-stamped itemized postcard receipt.

A review of the application file reveals that applicant did pay the basic national fee (\$300), search fee (\$100) and examination fee (\$300) on 08 August 2005. Thus, the Notification of Abandonment mailed on 18 November 2005 was issued erroneously and is hereby vacated.

The petition to withdraw the holding of abandonment filed on 08 December 2005 is GRANTED. The Notification of Abandonment mailed on 18 November 2005 was issued erroneously and is hereby VACATED.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date is 02 August 2005.

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